

\*\*E-filed 6/21/06\*\*

Jess B. Millikan, SBN 095540  
E-mail: jess.millikan@bullivant.com  
Kevin M. (Casey) Christensen, SBN 168119  
E-mail: casey.christensen@bullivant.com  
BULLIVANT HOUSER BAILEY PC  
601 California Street, Suite 1800  
San Francisco, California 94108  
Telephone: 415.352.2700  
Facsimile: 415.352.2701

Attorneys for Defendants The St. Paul  
Travelers Company, Inc. and St. Paul Mercury  
Insurance Company

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SYSTEMS AMERICA, INC.,  
Plaintiff,

vs.

THE ST. PAUL TRAVELERS COMPANY,  
INC., and ST. PAUL MERCURY  
INSURANCE COMPANY,  
Defendants.

Case No.: C-05-02499 JF

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME TO  
CONDUCT MEDIATION**

The parties, through undersigned counsel, stipulate and agree as follows:

1. The parties have agreed, and the Court has ordered, that this matter shall be submitted to private mediation. The existing deadline for submitting the matter to mediation is July 1, 2006.
2. The parties have selected the Honorable Robert Dossee, (Retired) of JAMS. The parties had arranged for a June 21, 2006 mediation date before Justice Dossee. However, as a result of an apparent communication error between counsel's office and Justice Dossee's office, the June 21 date was dropped from Justice Dossee's calendar and is no longer available.
3. The parties have arranged, and confirmed with Justice Dossee, a full day mediation session on July 13, 2006.

6069321.1

- 1 4. The parties respectfully request that the Court extend the time in which this  
2 matter may be submitted to a private mediation to July 13, 2006.  
3 5. The parties believe the case management conference set on July 21, need not be  
4 changed as a result of the stipulation and the extension of the time in which this  
5 matter shall be submitted to private mediation.

6 SO STIPULATED

7 DATED: June 20, 2006

8 HELLER EHRMAN LLP

9  
10 By Esta Brand  
11 Christopher Stoll by Kevin M. Christensen  
12 Esta Brand with express written  
13 authority  
Attorneys for Plaintiff Systems America, Inc.

14 DATED: June 20, 2006

15 BULLIVANT HOUSER BAILEY PC

16  
17 By [Signature]  
18 Jess B. Millikan  
Kevin M. (Casey) Christensen

19 Attorneys for Defendants St. Paul Mercury  
20 Insurance Company and The St. Paul Travelers  
Company

21 **[PROPOSED] ORDER**

22 Based upon the stipulation of the parties, and good cause appearing therefore, it is  
23 hereby ordered that the parties shall submit this matter to private mediation on or before  
24 **July 13, 2006.**

25 DATED: 6/21/06

26  
27 [Signature]  
28 Hon. Jeremy Fogel  
United States District Judge

6069321.1